

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 07-60-GMS
	:	
DAVID HANCOCK,	:	
	:	
Defendant.	:	

MOTION TO ADMIT AUDIO RECORDINGS

NOW COMES the United States of America, by and through Colm F. Connolly, United States Attorney for the District of Delaware, and Douglas E. McCann, Assistant United States Attorney for the District of Delaware, and moves to admit certain audio recordings. In support thereof, the government avers as follows:

1. The defendant has been charged with conspiracy and attempt to possess with intent to distribute more than five hundred grams of cocaine in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B) and 846.
2. At trial, the government intends to play audio recordings of co-defendant Miguel Alcantara made on April 11, 2007, during the course of and in furtherance of the conspiracy.
3. The recordings have been made available to the defense.
4. The government submits that both the original and copies of the recordings are of more than sufficient audio quality to be received into evidence at trial. The government has prepared a transcript of the recordings and has provided that transcript to the defendant for review. The government will designate on the transcript which portions of the recordings it intends to offer into evidence in its case-in-chief. The government respectfully requests that the

defendant be required to state any specific objections to the recordings and/or transcripts in writing, if the defendant requests a hearing.

5. The recordings were made by law enforcement officers under the supervision of the Wilmington Police Department, using devices capable of recording the conversations.

6. The law enforcement officer operating the equipment had prior experience with the device, and/or was otherwise competent to operate the device that was utilized in this case.

7. The recordings are authentic and correct.

8. No substantive changes, additions, or deletions have been made to the recordings since they were created.

9. The original recordings have been preserved by the Wilmington Police Department since their creation. The recordings have been maintained in a proper chain of custody record.

10. The conversations on the recordings were made consensually and in good faith, without any kind of improper inducement.

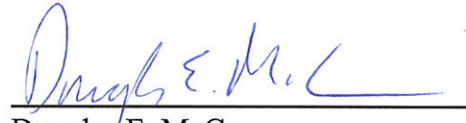
11. The Declaration of Wilmington Police Detective Danny Silva, attached hereto, states that the foregoing is true and correct to the best of his information and belief.

WHEREFORE, for the reasons set forth above, the government respectfully moves the admission of the audio tape recordings identified herein. The government has provided transcripts to the defense, and will request at a later date that those transcripts be allowed at trial as an aid to the jury. A proposed order is attached.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

BY:



Douglas E. McCann
Assistant United States Attorney

Dated: November 13, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID HANCOCK,

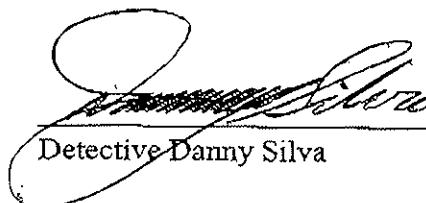
Defendant.

:
:
:
:
:
:
:
:
:
:
:

Criminal Action No. 07-60-GMS

DECLARATION OF DETECTIVE DANNY SILVA

1. I am a Detective with the Wilmington Police Department.
2. I have been directly involved in the investigation that has resulted in the prosecution of the above-captioned defendant on the charges set forth in the indictment. I am familiar with the recorded contact that was part of this investigation.
3. I have read the government's Motion to Admit Audio Recordings. Based upon my personal knowledge and my discussions with other law enforcement officers involved in this investigation, I declare under penalty of perjury that the statements in those paragraphs are true and correct to the best of my information and belief.



Detective Danny Silva

Dated: November 12, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 07-60-GMS
	:	
DAVID HANCOCK,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this ____ day of _____, having considered the government's Motion to Admit Audio Recordings and any opposition thereto,

IT IS HEREBY ORDERED that the government's Motion is GRANTED.

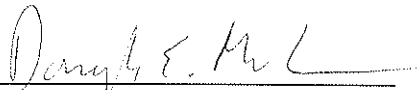
HONORABLE GREGORY M. SLEET
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Douglas E. McCann, hereby certify that the foregoing Motion to Admit Videotape Recording and Detective Danny Silvawas served this 13th Day of November, 2007, on the following counsel in the manner indicated:

BY FIRST CLASS MAIL

Michael F. Giampietro, Esquire
239 S. Camac Street
Philadelphia, PA 19107



Douglas E. McCann